

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8453 of 2023

Arising Out of PS. Case No.-518 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. PARSHURAM PRASAD S/o Baidyanat Prasad R/o Mohalla- Near Area Sikandarpur, Ward no. 14, Muzaffarpur, P.S.- Muzaffarpur(Town), Distt- Muzaffarpur.
 2. Smt. Santosh Gupta W/o Sri Parashuram Prasad R/o Mohalla- Near Area Sikandarpur, Ward no. 14, Muzaffarpur, P.S.- Muzaffarpur(Town), Distt- Muzaffarpur.

... .. Petitioners

Versus

1. The State of Bihar
2. Ram Babu Prasad S/o Baidyanath Prasad R/o - New Area Sikandarpur, Ward no. 14, Muzaffarpur, P.S.- Muzaffarpur(Town), Distt- Muzaffarpur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-05-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners, in the present case, are seeking pre-arrest
bail in connection with Muzaffarpur Town P.S. Case No.
518/2022 registered for the offences under Sections
419/420/467/468/470/471 of the Indian Penal Code. Petitioners
have no criminal antecedent as stated in paragraph '3' of the
application.

As per the prosecution story, the case of the informant
is that he had purchased by way of registered sale deed in the



year 1986 from one Hanuman Prasasd and later on got mutated in his name itself. The informant with his family had gone to Indore for his work and the said property was under the control of the petitioner no. 1. He further alleged that he decided to sell the said property and on 08.03.2011 he had executed a registered power of attorney in favour of both the co-sharers for equal parts of land admeasuring area of 4 ½ Dhurs of each. Pramod Kumar and this petitioner had given some money through cheques but after passing of the year, except above payments, no other payments has been made. It is alleged that the petitioner had mortgaged the original document of the property with the Indian Bank and by making forged signature of the informant this petitioner has made him as guarantor of the extended loan. It is also alleged that when the certified copies of the sale deeds received by the informant on 03.06.2022 he came to know that on the basis of cancelled power of attorney the forgery has been committed by fabricating the documents in favour of their respective wives.

This matter was heard yesterday. This Court recorded the following order:

“Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

It transpires in course of submissions that the informant had executed a power of attorney in favour of the petitioners



whereunder he had given authority to the petitioners to sell the piece of land which belonged to the informant for consideration and to deposit the consideration amount in the account of the informant.

As per the allegations, the petitioners did not sell the land and after making payment of Rs. 1,50,000/- and Rs. 2,00,000/- on two occasions, they did not take further step, as a result whereof in the year 2012, the power of attorney was cancelled, but in the year 2022, the petitioner no. 1 has executed a sale deed in favour of his wife (petitioner no. 2) by committing forgery and as per the sale deeds the petitioner no. 1 had executed a sale deed in favour of petitioner no. 2 showing consideration of Rs. 20 Lakhs. This has been done after cancellation of power of attorney.

Allegation is that morph photo of the informant was pasted in the sale deed and forgeries have been committed in the execution of the deeds. The property has been mortgaged with the Bank in which the signature of the informant has been forged as a guarantor. For all these reasons, the petitioners are being prosecuted.

Learned counsel for the petitioners at this stage seeks a pass-over to seek instruction as to whether the petitioners are ready to refund the amount which are the consideration amount under the sale deeds.

List tomorrow under the same heading maintaining it's position."

Today, in course of argument, learned counsel for the petitioners submits that there is no chance of amicable resolution of dispute.

This Court has considered the rival submissions. Although learned counsel for the petitioners has tried to persuade this Court to take a view that it is a case of purely civil dispute and the petitioners be granted privilege of anticipatory



bail but this Court finds from the nature of the allegations that it is the specific case of the informant that petitioner no. 1 and 2 who are husband and wife respectively have indulged in alienation of the property of the informant by making forged signature of the informant who is living outside his ancestral village in connection with his job. The allegation is that signatures have also been forged in order to make the petitioners a guarantor of the loan which has been obtained by the petitioners by mortgaging the property which has been conveyed by forging the signature of the informant. There being serious allegations of commission of forgery and thereby depriving the informant from his property, this Court is not inclined to grant privilege of pre-arrest bail to the petitioners.

Prayer for anticipatory bail of the petitioners is, thus, refused.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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